

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

EMMANUEL UGWU

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/4/2019
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15-CR-417 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:


I am in receipt of Defendants motion for return of property pursuant to Fed. R. Crim. P. 41(g) filed under docket number 15 Cr. 417 (VSB). (*See* Dkt. 54), which was received in the Clerk's Office on September 20, 2019.

Defendant filed the motion under his criminal case, but because his criminal case is closed, the Court must liberally construe his papers as a new civil action. *See* United States v. Giovanelli, 998 F.2d 116, 118-19 (2d Cir. 1993) (where criminal proceedings against movant completed, district court should treat motion for return of seized property under Fed. R. Crim. P. 41(e) as new civil equitable proceeding); *Mora v. United States*, 955 F.2d 156, 158 (2d Cir. 1992) (same); *Onwubiko v. United States*, 969 F.2d 1392, 1397 (2d Cir. 1992) (same).

The Clerk's Office is directed to construe this motion as a new civil action and mail a copy of this order to the defendant Emmanuel Ugwu (Reg# 67162-019) at Moshannon Valley CI, 555-I Geo Drive, Philipsburg, PA 16866.

SO ORDERED.

Dated: October 4, 2019
New York, New York


Vernon S. Broderick
United States District Judge